

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JIMI ROSE,
Plaintiff,

v.

**DEPARTMENT OF LABOR &
INDUSTRY, EQUAL OPPORTUNITY
OFFICE, *et al.*,**
Defendants.

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CIVIL ACTION NO. 19-CV-2483

ORDER

AND NOW, this 29th day of July, 2019, upon consideration of Plaintiff Jimi Rose's Motion to Proceed *In Forma Pauperis* (ECF No. 3), his Complaint (ECF No. 1), and his Exhibits (ECF No. 2), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. The Complaint is **DEEMED** filed.
3. The Clerk of Court shall **TERMINATE** Defendant Respondents' Superior from the docket.
4. For the reasons stated in the Court's Memorandum, Rose's § 1981 claims, his claims against the "Department of Labor & Industry, Equal Opportunity Office," and his official capacity claims for damages against the individual Defendants are **DISMISSED with prejudice**, and his remaining claims are **DISMISSED without prejudice** with the exception of his First Amendment claims against Mike Dopkin and Nancy Dischinat.
5. Rose is given thirty (30) days to file an amended complaint in the event he can allege additional facts to amend the claims the Court dismissed without prejudice. Any amended complaint shall identify all defendants in the caption of the amended complaint in addition to

identifying them in the body of the amended complaint, shall state the basis for Rose's claims against each defendant, and shall bear the title "Amended Complaint" and the caption 19-2483. If Rose files an amended complaint, his amended complaint must be a complete document that includes all of the bases for Rose's claims, including claims that the Court has not yet dismissed if he seeks to proceed on those claims. When drafting his amended complaint, Rose should be mindful of the Court's reasons for dismissing his claims as explained in the Court's Memorandum. Any Amended Complaint should not include claims that the Court dismissed with prejudice. Upon the filing of an amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

6. If Rose does not file an amended complaint the Court will direct service of his initial Complaint on Defendants Dopkin and Dischinat. Rose may also notify the Court that he seeks to proceed on his First Amendment claim against these Defendants rather than file an amended complaint. If he files such a notice, Rose is reminded to include the case number for this case, 19-2483.

BY THE COURT:

/s/ Jeffrey L. Schmehl
JEFFREY L. SCHMEHL, J.